Patent Docket P1467R2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Camellia W. Adams et al.

Serial No.: 09/602,812

Filed: June 23, 2000

For: Humanized Anti-ErbB2 Antibodies

and Treatment with Anti-ErbB2

Antibodies

Group Art Unit: 1642

Examiner: Anne Holleran

Certificate of Hang Delivery

I hereby certify that this correspondence is being hand delivered to the US.

pril 28, 2003

Wendy M. Lee

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents Washington, D.C. 20231

COPY

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

[] 37 CFR §1.97(b)

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); or
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§1.491, or
- · before the mailing of the first Office action on the merits; or
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR § 1.114.

[X] 37 CFR §1.97(c)

by the applicant after the period specified in 37 CFR § 1.97(b), but prior to the mailing date of any of a final action under 37 CFR § 1.113, or a notice of allowance under 37 CFR § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR § 1.17(p) or a statement as specified in 37 CFR § 1.97(e), as checked below.

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[] 37 CFR §1.97(d)

 after the period specified in CFR § 1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) and a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR § 1.97(c) or 37 CFR § 1.97(d) is checked above, the following statement under 37 CFR § 1.97(e) may need to be completed.]

- [] 37 CFR §1.97(e) Each item of Information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- [] 37 CFR §1.704(d) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- [X] The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR § 1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A fist of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified). A copy of the items on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied.

[] BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1-A-()" (nucleotide) and "BLAST Results B-1 -B-()" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

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A concise explanation of relevance of the items listed on PTO-1449 is:

[X] not given

- [] given for each listed item
- n given for only non-English language listed item(s) [Required]
- 1) in the form of an English language copy of a Search Report from a foreign patent office. issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR § 1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR § 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Wendy Lee

Reg. No. 40,378

Telephone No. (650) 225-1994

PATENT TRADEMARK OFFICE

Sheet 1 of 3

Serial No. Atty Docket No. U.S. Dept. of Commerce FORM PTO-1449 09/602,812 P1467R2 Patent and Trademark Office Applicant LIST OF DISCLOSURES CITED BY APPLICANT Adams et al. Group Filing Date (Use several sheets if necessary) 1642 23 Jun 2000 **U.S. PATENT DOCUMENTS** Examiner Initials Document Number Date Name Class Subclass Filing Date 2002/0076695 Ross, j. 236 20.06.02 2002/0155527 24.10.02 Stuart et al. 5,514,554 07.05.96 Bacus, S. Wols, W. ct al. 239 5,571,894 05.11.96 King, C. ct al. 5.587.458 24.12.96 240 5,783,404 21.07.98 Koski, R. 241 5,846,749 Slamon et al. 08.12.98 242 243 5,856,089 05.01.99 wang et al. 5,882,864 An et al. 16.01.99 244 5,925,519 245 20.07.99 Jensen et al. 5,994,071 30.11.99 Roes et al. 246 6,270,765 247 07.08.01 Deo et al. 6,333,348 25.12.01 Vogel er al. 6,358,682 19.03.02 Jaffee er al. 250 6,395,272 28.05.02 Deo et al. 251 6,403,630 11.06.02 Dannenberg et al. 252 6,458,356 01.10.02 Arakawa et al. 6,512,097 28.01.03 Marks ec al. **FOREIGN PATENT DOCUMENTS** Examiner Translation Initials Document Number Date Class Subclass Country Yes 254 1,006,194 07.05.00 EPO 412,116 29.11.95 EPO 444,181 31.10.01 EPO 257 494,135 10.04.96 EPO 502,812 258 14.08.96 oga 554,441 27.01.99 EPO 260 656,367 07.06.95 EPO WD 01/05425 261 25.01.01 PCT WO 01/09187 08.02.01 PCT 263 WO 01/20033 22.03.01 PĊT WO 01/21192 264 29.03.01 PCT 265 WO 01/32155 10.05.01 PCT WO 87/07646 266 17.12.87 PCT WO 89/10412 267 02.11.89 PCT WO 91/02062 21.02.91 РСТ Examiner Date Considered *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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